

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**CARL OGLESBY,**

**Plaintiff,**

**v.**

**1:02-CV-603  
(FJS)**

**UNITED STATES DEPARTMENT OF  
JUSTICE and CENTRAL INTELLIGENCE  
AGENCY,**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**OFFICES OF JAMES H. LESAR**  
1003 K Street, N.W.  
Suite 640  
Washington, D.C. 20001  
Attorneys for Plaintiff

**JAMES H. LESAR, ESQ.**

**UNITED STATES DEPARTMENT  
OF JUSTICE, OFFICE OF  
INFORMATION POLICY**  
1425 New York Avenue, N.W.  
Suite 11050  
Washington, D.C. 20530-0001  
Attorneys for Defendants

**VANESSA R. BRINKMANN, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

On August 1, 2011, the parties filed a joint motion to stay these proceedings and to amend the briefing schedule. *See* Dkt. No. 126. Having reviewed the parties' submissions, the Court hereby

**ORDERS** that the parties' joint motion is **GRANTED**;<sup>1</sup> and the Court further

**ORDERS** that these proceedings shall be stayed pending Defendant FBI's administrative re-processing of Plaintiff's FOIA request; however, such stay shall not exceed **six (6) months, i.e., February 8, 2012**; and the Court further

**ORDERS** that, **within five (5) days** of concluding its administrative re-processing of Plaintiff's FOIA request, Defendant FBI shall confer with Plaintiff; and the parties shall jointly submit to the Court proposed amendments to the briefing schedule, if necessary, within **seven (7) days** of conferring;<sup>2</sup> and the Court further

**ORDERS** that Defendant FBI shall file with the Court status updates regarding the progress of its administrative re-processing of Plaintiff's FOIA request every **thirty (30) days**, beginning **September 1, 2011**; and the Court further

**ORDERS** that Defendant FBI's second renewed motion for summary judgment, *see* Dkt. No. 103, is **DENIED without prejudice and with leave to renew**, if necessary, after Defendant FBI completes its re-processing of Plaintiff's FOIA request;<sup>3</sup> and the Court further

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<sup>1</sup> By Memorandum Opinion and Order dated February 27, 2007, the Court granted Defendants' motion for summary judgment with regard to the claims against Defendant Central Intelligence Agency. *See* Dkt. No. 66. Therefore, the only Defendant that remains in this case is Defendant United States Department of Justice (hereinafter referred to as "Defendant FBI").

<sup>2</sup> Should Defendant FBI complete its administrative re-processing of Plaintiff's FOIA request prior to the February 8, 2012 deadline, Defendant FBI shall confer with Plaintiff within five (5) days of the conclusion of said re-processing; and the parties shall jointly submit to the Court proposed amendments to the briefing schedule, if necessary, within **seven (7) days** of conferring.

<sup>3</sup> If Defendant FBI decides to renew its motion for summary judgment after it completes its administrative re-processing of Plaintiff's FOIA request, Defendant FBI may do so by filing a Notice of Motion and any additional papers that are necessary to support that motion. Defendant  
(continued...)

**ORDERS** that Plaintiff's second renewed cross-motion for summary judgment, *see* Dkt. No. 107, is **DENIED without prejudice and with leave to renew**, if necessary, after Defendant FBI completes its re-processing of Plaintiff's FOIA request;<sup>4</sup> and the Court further

**ORDERS** that the parties' joint motion for an order to stay these proceedings and to amend the briefing schedule, which they filed on March 23, 2011, *see* Dkt. No. 112, is **DENIED as moot**; and the Court further

**ORDERS** that the parties' joint motion for an order to amend the briefing schedule, which they filed on April 22, 2011, *see* Dkt. No. 113, is **DENIED as moot**; and the Court further

**ORDERS** that Plaintiff's unopposed motions, which he filed on June 23, 2011, *see* Dkt. No. 116, and on July 14, 2011, *see* Dkt. No. 117, are **DENIED as moot**; and the Court further

**ORDERS** that the hearing scheduled for August 16, 2011, at 11:00 a.m., *see* Minute Entry dated July 21, 2011, is **CANCELLED**; and the Court further

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<sup>3</sup>(...continued)

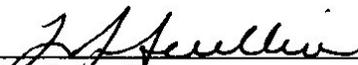
FBI will not need to re-file any of the papers that it has already filed and may, instead, refer to those papers in its Notice of Motion and supporting papers.

<sup>4</sup> If Plaintiff decides to renew its cross-motion for summary judgment after Defendant FBI completes its administrative re-processing of Plaintiff's FOIA request, Plaintiff may do so by filing a Notice of Motion and any additional papers that are necessary to support that motion. Plaintiff will not need to re-file any of the papers that he has already filed and may, instead, refer to those papers in his Notice of Motion and supporting papers.

**ORDERS** that Defendant FBI's counsel shall initiate a telephone conference with the Court and opposing counsel, using a professional teleconferencing service, on **August 16, 2011, at 11:00 a.m.** to address any further issues that either the Court or the parties may wish to raise regarding this re-processing procedure and any subsequent proceedings in this case. For the purpose of this telephone conference, the Court's telephone number is **202-354-3536**.

**IT IS SO ORDERED.**

Dated: August 8, 2011  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge